

**In the United States District Court
For the Southern District of Georgia
Brunswick Division**

THOMAS JOHN MUMFORD,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

*
*
*
*
*
*
*
*

CIVIL ACTION NO.: 2:20-cv-22

(Case No.: 2:12-cr-11)

ORDER

After an independent and de novo review of the entire record, the Court concurs with the Magistrate Judge's Report and Recommendation. Dkt. No. 3. Movant Thomas Mumford ("Mumford") filed Objections to the Report and Recommendation. Dkt. No. 4.

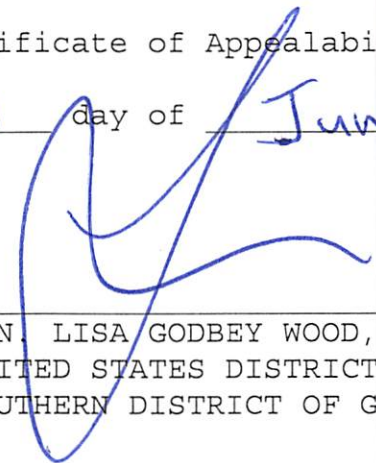
In his Objections, Mumford again tries to persuade the Court his mental competency issues are based on newly discovered evidence. Id. at 1. In the same breath, however, Mumford states "issues of mental competency . . . existed at the time of his [p]lea [a]greement[,]" but counsel and this Court ignored these issues. Id. Mumford contends this Court should have conducted a competency hearing. Id. at 2.

As the Magistrate Judge observed, Mumford's claim his "mental competency" issues are newly discovered is contradicted by the record. Dkt. No. 3 at 4. What is more, even if

Mumford's claim were based on newly discovered evidence, he fails to show he was diligently pursuing his rights or that some extraordinary circumstance stood in the way of timely filing a 28 U.S.C. § 2255 Motion. Id. at 5.

Accordingly, the Court **OVERRULES** Mumford's Objections and **ADOPTS** the Magistrate Judge's Report and Recommendation as the opinion of the Court. The Court **DISMISSES** Mumford's 28 U.S.C. § 2255 Motion to Vacate, Set Aside, or Correct Sentence, **DIRECTS** the Clerk of Court to **CLOSE** this case and enter the appropriate judgment of dismissal, and **DENIES** Mumford *in forma pauperis* status on appeal and a Certificate of Appealability.

SO ORDERED, this 14 day of June, 2021.



HON. LISA GODBEY WOOD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA